

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Case No.: 3:22-cv-00397-ART-CSD

DOUGLAS CHRISTOPHER RICCIO,

Plaintiff

v.

MINERAL COUNTY SHERIFF,

Defendant

**Order**

Re: ECF No. 6

Plaintiff filed an application to proceed *in forma pauperis* (IFP) and pro se complaint. (ECF Nos. 1, 1-1.) The court issued an order granting Plaintiff's IFP application. The court also screened Plaintiff's complaint. (ECF No. 3.) Plaintiff's complaint named the Mineral County Sheriff and alleged that Plaintiff's Fourth Amendment rights were violated on January 24, 2021, when the undersheriff and a deputy came to a property and entered a vehicle and removed property without a warrant, and then slashed the tires and tried to get in to search the house without a warrant.

The court advised Plaintiff that the Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers and effects, and against unreasonable searches and seizures." U.S. Const. amend IV. Plaintiff alleged a colorable Fourth Amendment claim. However, Plaintiff did not identify the defendants, *i.e.*, the undersheriff and deputy he avers were involved in the violation of his rights. As such, the court dismissed the complaint with leave to amend so Plaintiff could attempt to name the appropriate defendants. (ECF No. 3.)

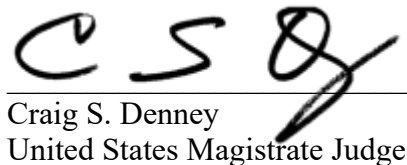
1 Plaintiff subsequently filed a single page document titled as an “Amended Complaint”  
2 which lists the case number and Undersheriff Bill Ferguson and Deputy Ray Gulcynski. There is  
3 no other information contained in the “amended complaint.”

4 An amended complaint must be complete in and of itself without referring to or  
5 incorporating by reference any previously filed complaint. Plaintiff’s “amended complaint,”  
6 which only lists the case number and two defendants without any substantive allegations, is  
7 insufficient.

8 Plaintiff’s amended complaint (ECF No. 6) is **DISMISSED**, but with **LEAVE TO**  
9 **AMEND**. The Clerk shall **SEND** Plaintiff a copy of the instructions and form civil rights  
10 complaint for a non-inmate. Plaintiff has **21 days** from the date of this Order to file his second  
11 amended complaint. Plaintiff shall check the box on the form complaint for the second amended  
12 complaint. The second amended complaint must be complete in and of itself without referring to  
13 or incorporating by reference any previously filed complaint. In other words, it must name the  
14 two defendants and include the substantive factual allegations concerning how Plaintiff contends  
15 they violated his constitutional rights. Any allegations, parties or requests for relief from a prior  
16 complaint that are not included in the second amended complaint will not be before the court. If  
17 Plaintiff fails to file his second amended complaint within the 21 days, the action will be  
18 dismissed without prejudice.

19 **IT IS SO ORDERED.**

20 Dated: February 16, 2023

21   
22 Craig S. Denney  
23 United States Magistrate Judge